IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No. 5599 of 2004

D.N.Londhe . .... petitioner

vs

The State of Mah and ors.. respondents

Mr R.K.Mendadkar for petitioner

Mr. R.D.Rane AGP for respondents

CORAM: A.P.SHAH & S.U.KAMDAR JJ.

lst October, 2004

P.C.

Heard advocates. Perused affidavit filed on behalf of the respondents.

2 It is the case of the petitioner that the intimation sent by the Scrutiny Committee was not received by him as he was posted at Kandar during the relevant time and the letter of the Scrutiny Committee was addressed at the office at Kurduwadi

in Solapur district. It appears that the Scrutiny Committee has passed the impugned order exparte without giving an opportunity of hearing to the petitioner. The impugned order may result in serious consequences including loss of service. We feel that this is a fit case to set aside the exparte order of the Scrutiny committee dated 29.9.l996 and remit the case to the Committee for a fresh decision on the caste claim of the petitioner in accordance with law. We order accordingly.

3 All contentions on merits are left open to the parties. The Scrutiny Committee is directed to decide the matter expeditiously and preferably within a period of six months.

Petition stands disposed of accordingly